



General Assembly

***Substitute Bill No. 1066***

*January Session, 2007*

\*       SB01066JUD             031507       \*

***AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH  
AND ADDICTION SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 4a-17 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2007*):

3       In any action or proceeding in any court to which any person  
4       confined by order of any court, or as provided by section 17a-502 or  
5       17a-506 in any institution for [the mentally ill or mentally deficient]  
6       persons with psychiatric disabilities in this state is a party or which  
7       affects or relates to the property rights of any such person, a copy of all  
8       process, notices and documents required to be served upon such  
9       confined person either personally or at [his] such confined person's  
10      abode or by mail shall be sent by registered or certified mail to such  
11      confined person at the institution where such person is confined and to  
12      the Commissioner of Administrative Services at Hartford, another  
13      copy thereof shall be so mailed to the superintendent of the institution  
14      where such person is confined or left with [him or his] the  
15      superintendent or the superintendent's representative at his or her  
16      office, and another copy thereof so served upon the superintendent of  
17      such institution or [his] the superintendent's representative, for such  
18      confined person, which shall be equivalent to and constitute service  
19      thereof at the usual place of abode of such confined person whether he

20 or she then has another usual place of abode or not; and as soon  
21 thereafter as practical and reasonable, such superintendent or [his]  
22 such superintendent's representative shall deliver such copy to such  
23 confined person. Whenever service or notice is required by publication  
24 only, two copies thereof shall be sent to the superintendent of the  
25 institution by registered or certified mail, and one copy shall also be so  
26 mailed to the Commissioner of Administrative Services at Hartford;  
27 and such superintendent or [his] such superintendent's representative  
28 shall deliver one copy thereof to the confined person as soon as  
29 practical and reasonable. No action or proceeding shall abate because  
30 of any failure to comply with the provisions of this section, but the  
31 court before whom any such action or proceeding is pending shall,  
32 upon finding noncompliance with any of said provisions, order  
33 immediate compliance [therewith] with said provisions.

34 Sec. 2. Section 17a-2 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective October 1, 2007*):

36 (a) There shall be a Department of Children and Families which  
37 shall be a single budgeted agency consisting of the institutions,  
38 facilities and programs [now] existing within the department, any  
39 programs and facilities transferred to the department, and such other  
40 institutions, facilities and programs as may hereafter be established by  
41 or transferred to the department by the General Assembly.

42 (b) Said department shall constitute a successor department to the  
43 Department of Children and Youth Services, for the purposes of  
44 sections 2c-2b, 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-  
45 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-  
46 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-  
47 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-  
48 218, 17a-277, 17a-450, 17a-458, [17a-463,] 17a-474, 17a-560, 17a-511, 17a-  
49 634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-  
50 14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-  
51 706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive,  
52 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in

53 accordance with the provisions of sections 4-38d and 4-39.

54 (c) Whenever the words "Commissioner of Children and Youth  
55 Services", "Department of Children and Youth Services", or "Council  
56 on Children and Youth Services" are used in sections 2c-2b, 4-5, 4-38c,  
57 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,  
58 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,  
59 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,  
60 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, [17a-  
61 463,] 17a-474, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87,  
62 19a-78, 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591  
63 to 45a-705, inclusive, 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-  
64 15 to 46b-19, inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k,  
65 54-199, 54-203, the words "Commissioner of Children and Families",  
66 "Department of Children and Families", and "Council on Children and  
67 Families" shall be substituted respectively in lieu thereof.

68 Sec. 3. Subsection (b) of section 17a-450 of the general statutes is  
69 repealed and the following is substituted in lieu thereof (*Effective*  
70 *October 1, 2007*):

71 (b) For the purposes of chapter 50, the Department of Mental Health  
72 and Addiction Services shall be organized to promote comprehensive,  
73 client-based services in the areas of mental health treatment and  
74 substance abuse treatment and to ensure the programmatic integrity  
75 and clinical identity of services in each area. The department shall  
76 perform the functions of: Centralized administration, planning and  
77 program development; prevention and treatment programs and  
78 facilities, both inpatient and outpatient, for persons with psychiatric  
79 disabilities or persons with substance [abuse disabilities] use disorders,  
80 or both; community mental health centers and community or regional  
81 programs and facilities providing services for persons with psychiatric  
82 disabilities or persons with substance [abuse disabilities] use disorders,  
83 or both; training and education; and research and evaluation of  
84 programs and facilities providing services for persons with psychiatric  
85 disabilities or persons with substance [abuse disabilities] use disorders,

86 or both. The department shall include, but not be limited to, the  
87 following divisions and facilities or their successor facilities: The office  
88 of the Commissioner of Mental Health and Addiction Services; Capitol  
89 Region Mental Health Center; Connecticut Valley Hospital, including  
90 the Acute Care Division of Connecticut Valley Hospital; the  
91 Connecticut Mental Health Center; the Whiting Forensic Division;  
92 Ribicoff Research Center; the Southwest Connecticut Mental Health  
93 System, including the Franklin S. DuBois Center and the Greater  
94 Bridgeport Community Mental Health Center; the Southeastern  
95 Mental Health Authority; River Valley Services; the Western  
96 Connecticut Mental Health Network; and any other state-operated  
97 facility for the treatment of persons with psychiatric disabilities or  
98 persons with substance [abuse disabilities] use disorders, or both, but  
99 shall not include those portions of such facilities transferred to the  
100 Department of Children and Families for the purpose of consolidation  
101 of children's services.

102 Sec. 4. Subsection (a) of section 17a-450a of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective*  
104 *October 1, 2007*):

105 (a) The Department of Mental Health and Addiction Services shall  
106 constitute a successor department to the Department of Mental Health.  
107 Whenever the words "Commissioner of Mental Health" are used or  
108 referred to in the following general statutes, the words "Commissioner  
109 of Mental Health and Addiction Services" shall be substituted in lieu  
110 thereof and whenever the words "Department of Mental Health" are  
111 used or referred to in the following general statutes, the words  
112 "Department of Mental Health and Addiction Services" shall be  
113 substituted in lieu thereof: 2c-2b, 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16, 5-  
114 142, 8-206d, 10-19, 10-71, 10-76d, 17a-14, 17a-26, 17a-31, 17a-33, 17a-218,  
115 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-455, 17a-456,  
116 17a-457, 17a-458, 17a-459, 17a-460, [17a-463,] 17a-464, 17a-465, 17a-466,  
117 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-474, 17a-476,  
118 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-484, 17a-498,

119 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-513, 17a-519,  
120 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-581, 17a-582,  
121 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-420, 17b-694,  
122 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-583, 20-14i,  
123 20-14j, 21a-240, 21a-301, 27-122a, 31-222, 38a-514, 46a-28, 51-51o, 52-  
124 146h and 54-56d.

125 Sec. 5. Subsection (c) of section 17a-451 of the general statutes is  
126 repealed and the following is substituted in lieu thereof (*Effective*  
127 *October 1, 2007*):

128 (c) The commissioner shall prepare and issue regulations for the  
129 administration and operation of the Department of Mental Health and  
130 Addiction Services, and all state-operated facilities and community  
131 programs providing care for persons with psychiatric disabilities or  
132 persons with substance [abuse disabilities] use disorders, or both.

133 Sec. 6. Subsection (d) of section 17a-451 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective*  
135 *October 1, 2007*):

136 (d) The commissioner shall coordinate the community programs  
137 receiving state funds with programs of state-operated facilities for the  
138 treatment of persons with psychiatric disabilities or persons with  
139 substance [abuse disabilities] use disorders, or both.

140 Sec. 7. Subsection (e) of section 17a-451 of the general statutes is  
141 repealed and the following is substituted in lieu thereof (*Effective*  
142 *October 1, 2007*):

143 (e) The commissioner shall collaborate and cooperate with other  
144 state agencies providing services for mentally disordered children and  
145 adults with psychiatric disabilities or persons with substance [abuse  
146 disabilities] use disorders, or persons with both disabilities, and shall  
147 coordinate the activities of the Department of Mental Health and  
148 Addiction Services with the activities of said agencies.

149 Sec. 8. Subsection (f) of section 17a-451 of the general statutes is  
150 repealed and the following is substituted in lieu thereof (*Effective*  
151 *October 1, 2007*):

152 (f) (1) The commissioner shall establish and enforce standards and  
153 policies for the care and treatment of persons with psychiatric  
154 disabilities or persons with substance [abuse disabilities] use disorders,  
155 or both, in public and private facilities [which] that are consistent with  
156 other health care standards and may make any inquiry, investigation  
157 or examination of records of such facilities as may be necessary for the  
158 purpose of investigating the occurrence of any serious injury or  
159 unexpected death involving any person who has within one year of  
160 such occurrence received services for the care and treatment of such  
161 disabilities from a state-operated facility or a community program  
162 receiving state funds. (2) The findings of any such inquiry,  
163 investigation or examination of records conducted pursuant to this  
164 subsection shall not be subject to disclosure pursuant to section 1-210,  
165 nor shall such findings be subject to discovery or introduction into  
166 evidence in any civil action arising out of such serious injury or  
167 unexpected death. (3) Except as to the finding provided in subdivision  
168 (2) of this subsection, nothing in this subsection shall be construed as  
169 restricting disclosure of the confidential communications or records  
170 upon which such findings are based, where such disclosure is  
171 otherwise provided for by law.

172 Sec. 9. Subsection (i) of section 17a-451 of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective*  
174 *October 1, 2007*):

175 (i) The commissioner shall be responsible for the coordination of all  
176 activities in the state relating to substance [abuse disabilities] use  
177 disorders and treatment, including activities of the Departments of  
178 Children and Families, Correction, Public Health, Social Services and  
179 Veterans' Affairs, the judicial branch and any other department or  
180 entity providing services to persons with substance [abuse disabilities]  
181 use disorders.

182 Sec. 10. Subsection (e) of section 17a-457 of the general statutes is  
183 repealed and the following is substituted in lieu thereof (*Effective*  
184 *October 1, 2007*):

185 (e) Members of the board may examine the files and records of the  
186 central office of the Department of Mental Health and Addiction  
187 Services at any time and, upon reasonable notice, of state-operated  
188 facilities for the treatment of persons with psychiatric disabilities or  
189 substance [abuse disabilities] use disorders.

190 Sec. 11. Subsection (b) of section 17a-458 of the general statutes is  
191 repealed and the following is substituted in lieu thereof (*Effective*  
192 *October 1, 2007*):

193 (b) "Persons with substance [abuse disabilities] use disorders"  
194 means alcohol dependent persons, as that term is defined in  
195 subdivision (1) of section 17a-680, or drug dependent persons, as that  
196 term is defined in subdivision (7) of section 17a-680.

197 Sec. 12. Subsection (c) of section 17a-458 of the general statutes is  
198 repealed and the following is substituted in lieu thereof (*Effective*  
199 *October 1, 2007*):

200 (c) "State-operated facilities" means those hospitals or other facilities  
201 providing treatment for persons with psychiatric disabilities or for  
202 persons with substance [abuse disabilities] use disorders, or both,  
203 which are operated in whole or in part by the Department of Mental  
204 Health and Addiction Services. Such facilities include, but are not  
205 limited to, Capitol Region Mental Health Center, Connecticut Valley  
206 Hospital, including the Acute Care Division of Connecticut Valley  
207 Hospital, [Norwich Hospital, Fairfield Hills Hospital,] the Connecticut  
208 Mental Health Center, the Franklin S. DuBois Center, the Greater  
209 Bridgeport Community Mental Health Center and [Dutcher Treatment  
210 Center] River Valley Services.

211 Sec. 13. Section 17a-459 of the general statutes is repealed and the  
212 following is substituted in lieu thereof (*Effective October 1, 2007*):

213 The Connecticut Mental Health Center shall be a facility of the  
214 Department of Mental Health and Addiction Services and shall include  
215 the Connecticut Mental Health Center in New Haven and such satellite  
216 locations as the department may approve. The department shall  
217 operate the center in collaboration with Yale University under mutual  
218 agreement of the parties. The department may provide treatment at  
219 the center to adults, children or youths with psychiatric disabilities,  
220 substance [abuse disabilities] use disorders or both such disabilities.  
221 Admissions shall be within the control of the Commissioner of Mental  
222 Health and Addiction Services and no court may commit or transfer  
223 any person to or place or confine any person in the center without the  
224 approval of the commissioner or the commissioner's designee.

225 Sec. 14. Section 17a-470 of the general statutes is repealed and the  
226 following is substituted in lieu thereof (*Effective October 1, 2007*):

227 Each state hospital, state-operated facility or the Whiting Forensic  
228 Division of the Connecticut Valley Hospital for the treatment of  
229 persons with psychiatric disabilities or persons with substance [abuse  
230 disabilities] use disorders, or both, except the Connecticut Mental  
231 Health Center, may have an advisory board appointed by the  
232 superintendent or director of the facility for terms to be decided by  
233 such superintendent or director. In any case where the present number  
234 of members of an advisory board is less than the number of members  
235 designated by the superintendent or director of the facility, he shall  
236 appoint additional members to such board in accordance with this  
237 section in such manner that the terms of an approximately equal  
238 number of members shall expire in each odd-numbered year. The  
239 superintendent or director shall fill any vacancy that may occur for the  
240 unexpired portion of any term. No member may serve more than two  
241 successive terms plus the balance of any unexpired term to which he  
242 had been appointed. The superintendent or director of the facility shall  
243 be an ex-officio member of the advisory board. Each member of an  
244 advisory board of a state-operated facility within the Department of  
245 Mental Health and Addiction Services assigned a geographical



territory shall be a resident of the assigned geographical territory. Members of said advisory boards shall receive no compensation for their services but shall be reimbursed for necessary expenses involved in the performance of their duties. At least one-third of such members shall be from a substance abuse subregional planning and action council established pursuant to section 17a-671, and at least one-third shall be members of the catchment area councils, as provided in section 17a-483, for the catchment areas served by such facility, except that members serving as of October 1, 1977, shall serve out their terms.

Sec. 15. Subsection (b) of section 17a-473 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) Subject to the standards established by the Commissioner of Mental Health and Addiction Services for the operation of state-operated facilities constituting the Department of Mental Health and Addiction Services for the treatment of persons with psychiatric disabilities or persons with substance [abuse disabilities] use disorders, or both, each superintendent or director of such a facility shall be in charge of its day-to-day operations.

Sec. 16. Subsection (a) of section 17b-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) There is established a council which shall advise the Commissioner of Social Services on the planning and implementation of a system of Medicaid managed care and shall monitor such planning and implementation and shall advise the Waiver Application Development Council, established pursuant to section 17b-28a, on matters including, but not limited to, eligibility standards, benefits, access and quality assurance. The council shall be composed of the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state

278 agencies, or their designees; two members of the General Assembly,  
279 one to be appointed by the president pro tempore of the Senate and  
280 one to be appointed by the speaker of the House of Representatives;  
281 the director of the Commission on Aging, or a designee; the director of  
282 the Commission on Children, or a designee; two community providers  
283 of health care, to be appointed by the president pro tempore of the  
284 Senate; two representatives of the insurance industry, to be appointed  
285 by the speaker of the House of Representatives; two advocates for  
286 persons receiving Medicaid, one to be appointed by the majority leader  
287 of the Senate and one to be appointed by the minority leader of the  
288 Senate; one advocate for persons with substance [abuse disabilities]  
289 use disorders, to be appointed by the majority leader of the House of  
290 Representatives; one advocate for persons with psychiatric disabilities,  
291 to be appointed by the minority leader of the House of  
292 Representatives; two advocates for the Department of Children and  
293 Families foster families, one to be appointed by the president pro  
294 tempore of the Senate and one to be appointed by the speaker of the  
295 House of Representatives; two members of the public who are  
296 currently recipients of Medicaid, one to be appointed by the majority  
297 leader of the House of Representatives and one to be appointed by the  
298 minority leader of the House of Representatives; two representatives  
299 of the Department of Social Services, to be appointed by the  
300 Commissioner of Social Services; two representatives of the  
301 Department of Public Health, to be appointed by the Commissioner of  
302 Public Health; two representatives of the Department of Mental Health  
303 and Addiction Services, to be appointed by the Commissioner of  
304 Mental Health and Addiction Services; two representatives of the  
305 Department of Children and Families, to be appointed by the  
306 Commissioner of Children and Families; two representatives of the  
307 Office of Policy and Management, to be appointed by the Secretary of  
308 the Office of Policy and Management; one representative of the office  
309 of the State Comptroller, to be appointed by the State Comptroller and  
310 the members of the Health Care Access Board who shall be ex-officio  
311 members and who may not designate persons to serve in their place.  
312 The council shall choose a chair from among its members. The joint

313 committee on Legislative Management shall provide administrative  
 314 support to such chair. The council shall convene its first meeting no  
 315 later than June 1, 1994.

316 Sec. 17. Subsection (a) of section 54-56i of the general statutes is  
 317 repealed and the following is substituted in lieu thereof (*Effective*  
 318 *October 1, 2007*):

319 (a) Not later than January 1, 1998, [but in no event sooner than the  
 320 establishment of the pilot research drug education program under  
 321 section 17a-715,] the Department of Mental Health and Addiction  
 322 Services shall establish a pretrial drug education program for persons  
 323 charged with a violation of section 21a-267 or 21a-279.

324 Sec. 18. (NEW) (*Effective October 1, 2007*) If the term "substance abuse  
 325 disabilities" is used or referred to in any public or special act of 2007 or  
 326 2008, or in any section of the general statutes that is amended in 2007  
 327 or 2008, it shall be deemed to refer to substance use disorders.

328 Sec. 19. (NEW) (*Effective October 1, 2007*) Notwithstanding any  
 329 provision of title 46 of the general statutes or regulations adopted  
 330 under said title, the Department of Mental Health and Addiction  
 331 Services shall develop a single, comprehensive affirmative action plan  
 332 that covers each facility, division and the central office of said  
 333 department.

334 Sec. 20. Sections 17a-451a, 17a-463, 17a-471b, 17a-471c, 17a-711, 17a-  
 335 715 of the general statutes and section 21 of public act 91-11 of the June  
 336 special session are repealed. (*Effective October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	4a-17
Sec. 2	<i>October 1, 2007</i>	17a-2
Sec. 3	<i>October 1, 2007</i>	17a-450(b)
Sec. 4	<i>October 1, 2007</i>	17a-450a(a)

Sec. 5	<i>October 1, 2007</i>	17a-451(c)
Sec. 6	<i>October 1, 2007</i>	17a-451(d)
Sec. 7	<i>October 1, 2007</i>	17a-451(e)
Sec. 8	<i>October 1, 2007</i>	17a-451(f)
Sec. 9	<i>October 1, 2007</i>	17a-451(i)
Sec. 10	<i>October 1, 2007</i>	17a-457(e)
Sec. 11	<i>October 1, 2007</i>	17a-458(b)
Sec. 12	<i>October 1, 2007</i>	17a-458(c)
Sec. 13	<i>October 1, 2007</i>	17a-459
Sec. 14	<i>October 1, 2007</i>	17a-470
Sec. 15	<i>October 1, 2007</i>	17a-473(b)
Sec. 16	<i>October 1, 2007</i>	17b-28(a)
Sec. 17	<i>October 1, 2007</i>	54-56i(a)
Sec. 18	<i>October 1, 2007</i>	New section
Sec. 19	<i>October 1, 2007</i>	New section
Sec. 20	<i>October 1, 2007</i>	Repealer section

***Statement of Legislative Commissioners:***

Section 10 of the bill, which amended section 17a-451a of the general statutes, was deleted in its entirety and the remaining sections renumbered for accuracy due to the fact that section 17a-451a is being repealed in the last section of the bill.

***PH***            *Joint Favorable C/R*

JUD

***JUD***            *Joint Favorable Subst.-LCO*